

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Riverside County Transportation Commission (RCTC) for authority to construct a pedestrian at-grade crossing for 2nd Street crossing at the Perris Valley Line (PVL) Commuter Rail Project, Downtown Perris Station, Mile Post 18.20, proposed CPUC Number 002X-18.20; USDOT Number 929042G.

Application 12-07-006
(Filed July 5, 2012)

**DECISION GRANTING AUTHORIZATION TO THE RIVERSIDE COUNTY
TRANSPORTATION COMMISSION TO CONSTRUCT A PEDESTRIAN AT-
GRADE CROSSING AT 2ND STREET FOR THE DOWNTOWN PERRIS
STATION OVER THE NEW PERRIS VALLEY LINE TRACK IN THE CITY OF
PERRIS, COUNTY OF RIVERSIDE**

Summary

This decision grants the Riverside County Transportation Commission authorization to construct one new pedestrian at-grade rail crossing for the Downtown Perris Station across the Perris Valley Line track located in the City of Perris, in the County of Riverside. The new crossing is to be identified as CPUC Crossing No. 002X-18.20-D and United States Department of Transportation No. 929042G.

Discussion

The Riverside County Transportation Commission (RCTC) is proposing to extend commuter rail service south approximately 24 miles from the existing Riverside Downtown Station terminus to the City of Perris in Riverside County.

The extension of commuter service will be implemented along an existing rail corridor acquired by RCTC specifically for passenger service, which currently hosts modest freight service. This new commuter rail service extension, known as the Perris Valley Line (PVL), will be operated by Southern California Regional Rail Authority (SCRRA), the operators of the Metrolink commuter rail system in Southern California.

As part of the rail extension, RCTC proposes to construct four passenger stations to serve the PVL commuter service. One of the four stations is the Downtown Perris Station, located between San Jacinto Avenue and 4th Street in the City of Perris. RCTC requests authority, under Public Utilities Code Sections 1201-1205, to construct a new pedestrian at-grade rail crossing (crossing) at the western end of the Downtown Perris Station, roughly along the alignment extension of 2nd Street. The pedestrian crossing will traverse a single track and connect the proposed station platform located west of the track to the station parking lot located east of the track. The proposed new CPUC Crossing No. would be 002X-18.20-D and the DOT No. would be 929042G.

SCRRA will operate approximately 12 passenger trains per day at a maximum speed of 20 mph and BNSF Railway Company (BNSF) will operate two freight trains per day at approximately 20 mph on the PVL track. SCRRA trains will be limited in length to a maximum of 6 cars plus one locomotive and the trains will be stopped clear of the station crossing. In the event SCRRA decides to add a 7th or more cars to the train, the Downtown Perris station crossing will need to be closed and no longer operate as a pedestrian crossing.

The proposed crossing will be constructed with the following features:

- Precast concrete panel crossing surface;

- Cast-in-place concrete pedestrian pathway connecting the crossing panels to the platforms;
- One California Public Utilities Commission (Commission) Standard 9 warning device (flashing light signal assembly with automatic gate arm) at each platform entrance to the crossing;
- One push-to-open swing gate adjoining the location of each Commission Standard 9 gate arm, to create a point of emergency egress when the gates are in the down position;
- Hand rails along pedestrian pathway approaches to the crossing and fencing along the right-of-way to direct and channelize pedestrians;
- Inter-track fence of welded-wire construction on either side of the crossing to preclude pedestrian circumvention of warning devices. (Note: Although the right-of-way will hold only a single track at the conclusion of the station construction, the right-of-way width and station are designed to accommodate a future second track, thus the inter-track fence will be installed now.);
- “Street” lighting at pedestrian pathway approaches to the crossing;
- California Manual on Uniform Traffic Control Devices compliant signage and pavement markings, including “WAIT HERE”;
- Americans with Disabilities Act compliant detectable warning tactile strips on both sides of the track and at the start of the pedestrian pathway; and
- Twelve-inch white edge lines to channelize pedestrians across the track.

In addition to the above safety features, standard signage will be provided either affixed to fencing or post-mounted. Signage would indicate the following

messages: “No Trespassing,” “Dumping Prohibited Violators Will Be Prosecuted,” “Warning Do Not Cross Tracks When Gates are Down,” “Watch for Trains,” “Trains Approach from Both Directions” and other standard signage.

Environmental Review and CEQA Compliance

The California Environmental Quality Act of 1970 (CEQA, as amended, Public Resources Code Section 21000 et seq.) applies to discretionary projects to be carried out or approved by public agencies. A basic purpose of CEQA is to inform governmental decision-makers and the public about potential, significant environmental effects of the proposed activities. Since the project is subject to CEQA and the Commission must issue a discretionary decision in order for the project to proceed (i.e., the Commission has the exclusive authority to approve the project pursuant to Section 1202 of the Public Utilities Code), the Commission must consider the environmental consequences of the project by acting as either a lead or responsible agency under CEQA.

The lead agency is either the public agency that carries out the project,¹ or the one with the greatest responsibility for supervising or approving the project as a whole.² RCTC is the lead agency for the Perris Valley Line project, and is proposing to construct a new at-grade pedestrian-rail crossing at this station. The Commission is a responsible agency under CEQA because it will be issuing a permit for a portion of the project. As a responsible agency under CEQA, the Commission must consider the lead agency’s environmental documents and findings before acting on or approving this project.³ The Commission, as a

¹ CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(a).

² CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

³ CEQA Guidelines, Sections 15050(b) and 15096.

responsible agency, is responsible for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve.⁴

Pursuant to CEQA, RCTC prepared an environmental document titled *Perris Valley Line, Final Environmental Impact Report (FEIR)*, which identifies environmental impacts and associated mitigation measures related to the Perris Valley Line Project. Per CEQA, a *Final Supplemental Environmental Assessment, dated February 2012*, was also completed to determine if an Environmental Impact Statement (EIS) was necessary. It was prepared in accordance with requirements of the Federal Transit Administration and the National Environmental Policy Act (NEPA)⁵. An EIS was not found to be appropriate for the PVL project. RCTC approved the CEQA document on July 25, 2011.

In addition, under CEQA RCTC filed a Notice of Determination (NOD) on July 28, 2011. The NOD states that 1) the project will not have a significant effect on the environment; 2) an Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA; 3) Mitigation measures were made a condition of the approval of the project; 4) a Statement of Overriding Considerations was not adopted for this project; and 5) Findings were made pursuant to the provisions of CEQA. RCTC adopted a Mitigation Monitoring and Reporting (MMRP) which was made a condition for the project.

The Commission reviewed and considered the FEIR, NOD and MMRP, and finds the documents adequate for our decision-making purposes. The FEIR

⁴ CEQA Guideline Section 15096(g).

⁵ 42 USC 4332 (2)(c) of 1969 as amended. Projects undertaken in California that utilize federal funds, require discretionary federal approval, or are undertaken by federal agencies are subject to both NEPA and CEQA.

found no significant impacts due to the grade crossing aspects of this project. As such the Commission need not adopt any alternatives or mitigation measures.

Filing Requirements and Staff Recommendation

The application is in compliance with the Commission's filing requirements, including Rule 3.7 of the Rules of Practice and Procedure, which relates to the construction of a public road across a railroad.

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section staff has reviewed and analyzed the application, and recommends that the requested authority to construct the subject crossing be granted for a period of three (3) years.

Categorization and Need for Hearings

In Resolution ALJ 176-3297 dated July 12, 2012, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. There is no apparent reason why the application should not be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations.

Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Assignment of Proceeding

Emory J. Hagan is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on July 9, 2012. There are no unresolved matters or protests. A public hearing is not necessary.

2. RCTC requests authority, under Public Utilities Code Sections 1201-1205, to construct a new pedestrian at-grade rail crossing across its new Perris Valley Line track located in the City of Perris, in the County of Riverside, to be identified as CPUC Crossing No. 002X-18.20-D and DOT No. 929042G.

3. Approximately two BNSF freight trains per day at approximately 20 mph and approximately 12 passenger trains per day at a maximum speed of 20 mph will operate over the Perris Valley Line track.

4. Passenger trains will be limited to a maximum of 6 cars plus one locomotive in length and will be berthed clear of the crossing when stopped at the Downtown Perris Station.

5. In the event SCRRA adds a 7th (or more) cars to the train, the station crossing will be closed and no longer be operable as an at-grade pedestrian crossing.

6. RCTC is the lead agency for this project under CEQA, as amended.

7. RCTC is the lead agency for this project under NEPA, as amended.

8. The Commission is a responsible agency for this project.

9. Safety, traffic/transportation, and noise impacts are areas within the scope of the Commission's permitting process.

10. On July 25, 2011, RCTC certified an FEIR for the PVL project. The EIR found that potentially significant impacts under the Commission's purview could result from the project, but would be reduced to less-than-significant levels with the implementation of the identified mitigation measures.

11. RCTC adopted the MMRP, which was made a condition of approval for the project.

12. The significant impacts identified in the FEIR occur in areas not under the Commission's jurisdiction.

13. RCTC filed a NOD on July 28, 2011.

14. The Commission has reviewed and considered the information contained in the FEIR, NOD and MMRP.

15. The NOD and MMRP reflect the Commission's independent judgment and analysis.

Conclusions of Law

1. The FEIR, NOD and MMRP are adequate for our decision-making purposes.

2. The NOD and MMRP were completed in compliance with CEQA.

3. The application is uncontested and a public hearing is not necessary.

4. The application should be granted as set forth in the following order.

ORDER**IT IS ORDERED** that:

1. The Riverside County Transportation Commission is authorized to construct a new pedestrian at-grade rail crossing for the Downtown Perris Station across the Perris Valley Line track as described in its application, which is located in the City of Perris, Riverside County.
2. The new pedestrian at-grade rail crossing shall be identified as California Public Utilities Commission Crossing No. 002X-18.20-D and United States Department of Transportation No. 929042G.
3. The new pedestrian at-grade crossing shall have the crossing treatments and configuration described above and specified in the application and attachments.
4. The Riverside County Transportation Commission shall comply with all applicable rules, including California Public Utilities Commission General Orders, the United States Department of Transportation's Americans with Disabilities Act Standards for Transportation Facilities and the California Manual on Uniform Traffic Control Devices.
5. Metrolink trains shall not block the crossing when berthed at the station. This authorization shall expire when trains exceeding the length that can be berthed at the station without blocking the crossing are operated on the line and scheduled to stop at the station.
6. The Riverside County Transportation Commission shall notify the California Public Utilities Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section at least five (5) business days prior to opening the crossing. Notification should be made to rces@cpuc.ca.gov.

7. Within 30 days after completion of the work under this order, the Riverside County Transportation Commission shall notify the California Public Utilities Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section in writing, by submitting a completed California Public Utilities Commission Standard Form G (*Report of Changes at Highway Grade Crossings and Separations*), of the completion of the authorized work. Form G requirements and forms can be obtained at the CPUC web site Form G page at www.cpuc.ca.gov/PUC/safety/Rail/Crossings/formg.htm. This report may be submitted electronically to rces@cpuc.ca.gov as outlined on the web page.

8. Within 30 days after completion of the work under this order, the Riverside County Transportation Commission shall notify the Federal Railroad Administration of the existence of the crossing by submitting a U.S.DOT CROSSING INVENTORY FORM, form FRA F6180.71. A copy shall be provided concurrently to the California Public Utilities Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section. This copy of the form may be submitted electronically to rces@cpuc.ca.gov.

9. This authorization shall expire if not exercised within three (3) years unless time is extended or if the above conditions are not satisfied. Authorization may be revoked or modified if public convenience, necessity, or safety so requires.

10. A request for extension of the three-year authorization period shall be submitted to the California Public Utilities Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section at least 30 days before its expiration. A copy of the extension request shall be sent to all interested parties.

11. This application is granted as set forth above.

12. Application 12-07-006 is closed.

This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.